

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BARRY LAMON, No. CIV S-03-0423-FCD-CMK-P

Plaintiff,

vs. ORDER

C.K. PLILER, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, appeals the court's interlocutory order denying injunctive relief as moot. The matter was referred to the undersigned by the Ninth Circuit Court of Appeals to certify whether the appeal is taken in good faith. See 28 U.S.C. § 1915(a)(3). Having reviewed the entire file, the court concludes that the appeal is not taken in good faith. The record reflects that plaintiff's requests for injunctive relief were rendered moot by his transfer to a different prison. See Prieser v. Newkirk, 422 U.S. 395, 402-03 (1975); Johnson v. Moore, 948 F.3d 517, 519 (9th Cir. 1991) (per curiam).

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. This interlocutory appeal is not taken in good faith; and
3 2. The Clerk of the Court is directed to serve a copy of this order on the Pro
4 Se Unit at the Ninth Circuit Court of Appeals.

5 DATED:October 4, 2006

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7 /s/ Frank C. Damrell Jr.
8 FRANK C. DAMRELL JR.
United States District Judge
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